

Tanya E. Moore, SBN 206683
MOORE LAW FIRM, P.C.
300 South First Street, Suite 342
San Jose, California 95113
Telephone (408) 298-2000
Facsimile (408) 298-6046
E-mail: service@moorelawfirm.com

Attorney for Plaintiff
Darren Gilbert

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

DARREN GILBERT,)	
)	Case No. 2:21-cv-02013-JAM-DB
Plaintiff,)	
vs.)	PLAINTIFF’S REQUEST FOR
)	ADMINISTRATIVE RELIEF FROM
PROJECT HIGHWAY 65 LLC dba ELKINS)	SERVICE DEADLINE; ORDER
FROSTY;)	
)	
Defendant.)	
)	
)	
)	
)	

WHEREAS, on October 29, 2021, Plaintiff, Darren Gilbert (“Plaintiff”), filed the instant action alleging claims under Title III of the Americans with Disabilities Act of 1990 and parallel California law (ECF No. 1). On November 1, 2021, an order requiring service of process and joint status report was issued (ECF No. 3) (“Order”). The Order required that all defendants be served with the complaint no later than January 27, 2022;

WHEREAS, Defendant Project Highway 65 LLC dba Elkins Frosty (“Defendant”) has not appeared in this action;

WHEREAS, Plaintiff has been diligently attempting to serve Defendant with the Summons and Complaint, but has not been able to effect service on Defendant to date;

PLAINTIFF’S REQUEST FOR ADMINISTRATIVE RELIEF FROM SERVICE DEADLINE;
ORDER

1 **WHEREAS**, Plaintiff has attempted to serve Defendant at 4473 Cheval Way,
2 Roseville, CA 95747, but according to the process server, a teenage male acknowledged that
3 the agent, Navpreet Singh Sandhu was not home;

4 **WHEREAS**, on December 28, 2021, Plaintiff provided County Process Service, Inc.
5 the process server with instructions to serve Defendant's agent, Gurbir Singh Randhawa
6 (Manager) at 10050 Dona Neely Way, Elk Grove, CA 95757; however, service is still being
7 attempted;

8 **WHEREAS**, Plaintiff plans to make further service attempts to ensure that Defendant
9 is adequately served and receive notice of this action before he seeks a default judgment;

10 **NOW, THEREFORE**, for the reasons set forth above, Plaintiff respectfully requests
11 that he be given to and including March 28, 2022 to effect service of his Complaint on
12 Defendants.

13 Dated: February 2, 2022

MOORE LAW FIRM, P.C.

15 /s/ Tanya E. Moore

16 Tanya E. Moore

17 Attorney for Plaintiff,

18 Darren Gilbert

19 **ORDER**

20 Upon request of Plaintiff for administrative relief and good cause appearing,

21 **IT IS HEREBY ORDERED** that the order requiring service of process and joint status
22 report was issued in this matter filed November 1, 2021 (ECF No. 3) be amended to continue
23 the last day by which Plaintiff must serve the Complaint on Defendant from January 27, 2022
24 to March 28, 2022.

25 **IT IS SO ORDERED.**

26 Dated: February 3, 2022

27 /s/ John A. Mendez

28 THE HONORABLE JOHN A. MENDEZ

UNITED STATES DISTRICT COURT JUDGE